

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

SHIRA MCKINLAY, on behalf of herself and all others
similarly situated,

V.

THE BANK OF NEW YORK and THE BANK OF NEW
YORK MELLON CORPORATION

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 8765

TO: (Name and address of Defendant)

THE BANK OF NEW YORK
Attn: General Counsel
One Wall Street
New York, NY 10286

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Lori G. Feldman
MILBERG WEISS LLP
One Pennsylvania Plaza
New York, NY 10119

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

OCT 10 2007

DATE

(By)  Clerk

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ Date </div> <div style="width: 60%;"> _____ <i>Signature of Server</i> </div> </div> <div style="text-align: center; margin-top: 20px;"> _____ <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

ORIGINAL

UNITED STATES DISTRICT COURT
Southern District of New York

Index Number: 07 CIV 8765

Date Filed: 10/10/2007

Plaintiff:

**SHIRA MCKINLAY, on Behalf of Herself and All Others Similarly
Situated**

vs.

Defendant:

**THE BANK OF NEW YORK and THE BANK OF NEW YORK MELLON
CORPORATION**

For:

Milberg Weiss LLP
One Pennsylvania Plaza
New York, NY 10119

Received these papers to be served on **THE BANK OF NEW YORK** located at **One Wall Street, New York, New York 10286 ATT: General Counsel.**

I, Baldeo Chetram, being duly sworn, depose and say that on the **12th day of October, 2007 at 2:40 pm, I:**

Personally served THE BANK OF NEW YORK by delivering a true copy of the **Summons in a Civil Case, Class Action Complaint, Related Case Affidavit, Civil Cover Sheet, 3rd Amended Instructions for Filing an Electronic Case, US District Court Southern District of New York ECF Procedures and Guidelines, Individual Practices of Judge Paul A. Crotty, U.S.D.J.** upon Stephen Marino, Assistant Treasurer, as authorized to accept on behalf of the above named Entity.

Military Status: Based upon inquiry of party served, Defendant is in the Military Service of the United States of America.

Description of Person Served: Age: 45, Sex: M, Race/Skin Color: White, Height: 5'6", Weight: 180, Hair: Brown, Glasses: N

I am over the age of 18, am not a party in the above action, and am a Certified Process Server, in good standing, in the jurisdiction in which the process was served.

Subscribed and sworn to before me on the 16th day of October, 2007 by the affiant who is personally known to me.



Tina A. McCarthy
Notary Public, State of New York
No. 01MC6115830
Qualified in Bronx County
Commission Expires 09/13/2008


Baldeo Chetram
Process Server

Our Job Serial Number: 2007004433
Ref: 070053-00001